

REMARKS

I. Introduction

Claims 49-89 are currently pending in this application. Claims 1-48, 64 and 84 have been canceled. Claims 71-80 have been withdrawn. Claims 49, 50, 53, 63, 72, 73, 75, 76 and 81 has been amended. Claims 88 and 89 have been added. Applicant's amendments to the claims above are supported by the original disclosure at, for example, paragraphs 35 and 39. New claims 88 and 89 are supported by the original disclosure at, for example, paragraph 35.

Claims 50, 58-64, and 81-87 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 49, 51, 52, 56, 57, and 69 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Camperielli, U.S. Patent No. 6,651,390, in view of Beier, U.S. Patent No. 5,836,628. Claims 49, 65, and 70 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hudson, U.S. Patent No. 6,082,049 in view of Beier. Claim 53 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Campereilli in view of Beier and Germano, U.S. Patent No. 5,590,919. Claims 53, 67, and 68 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hudson in view of Beier and Germano. Claim 55 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Camperelli in view of Beier. Claim 66 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Camperelli in view of Beier and Schoultz, U.S. Patent No. 4,242,848. Claims 81-84, 86 and 87 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wright, U.S. Patent No. 6,453,616 in view of Massey, U.S. Patent No. 6,491,326. Claims 49, 50, 54, and 58-64 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wright in

view of Massey.

II. Interview Summary

During the in person interview of March 4, 2010, the Examiner and Applicant's representative discussed the pending claims of the application. It was agreed that the inclusion into the claims of the spacer element and more specific structure for the exterior portion would overcome the present rejections. The Examiner indicated that further consideration would be needed in light of the amendments.

III. § 112 Rejections

Claims 50 and 81 have been amended to correct the indefiniteness of the claims.

IV. §103(a) Rejections

Claim 49 has been rejected as obvious in view of Camperelli and Beier, Hudson and Beier, or Wright and Massey. Neither Camperelli nor Hudson disclose a spacer or the outer portion being a hollow tubular member as currently required by claim 49.

The Examiner asserts that Wright discloses all of the elements of claim 49, except for a strike plate and a wooden insert. The Examiner further states that it would have been obvious for one of ordinary skill in the art to provide a strike plate as taught by Massey and that it would have been obvious for one of ordinary skill in the art to provide a wooden insert so that the wooden door and the insert member could be made as one integral unit. Applicant respectfully traverses this rejection on the grounds that one of ordinary skill in the art would not think to insert a strike plate into the astragal of Wright and that Wright further fails to disclose the elements of the claim as set forth by the examiner.

Claims 49 and 81 requires a hollow tubular exterior portion, an interior portion,

and a side portion extending between the interior and exterior portions. A channel is defined by the space between the exterior and interior portions and opposed to the side portion. The side portion is adapted to be attached to the outer edge of a passive door. An insert is located in the channel and has a groove which retains a strike plate. A spacer additionally extends from the side portion opposite and away from the channel.

The Examiner asserts that the side portion 50 shown in Wright anticipates the side portion of the claims. The side portion 50 in Wright, however, is adapted to be connected to the active door, as shown in Figures 6 and 7, not a passive door as required by claim 49. In fact, what Examiner defines as the insert 30 of Wright, is actually a mounting cleat designed to attach to the passive door 24 (col. 6, lines 5-6; Figures 6 and 7). Thus, one of ordinary skill in the art would not think to add the strike plate disclosed in Massey to the element 30 in Wright, because doing so would be to place a strike plate facing away from, and unreachable by, the lock of the active door.

Additionally, the claims now recite that the spacer extends from the side portion on the opposite side of and away from the channel. Segment 86 of Wright, however, extends into the portion the Examiner reads as the channel. Thus, Wright fails to disclose all the elements of the claims. Moreover, one of ordinary skill in the art would not think to modify Wright to meet the limitations of the claims because doing so would require a complete change to the structure and functions of the elements as set forth therein.

In light of the above, Applicant respectfully request the withdrawal of the rejections to claims 49 and 81. Because claims 51-63, 65-70, and 88 are dependent from claim 49, claims 82, 83, 85-87, and 89 are dependent from claim 81, and because of the additional limitations set forth in each claim, Applicant respectfully requests the

withdrawal of the rejections to these claims as well.

Claims 71-80 have been withdrawn. Claim 71 is dependent from claim 49. Claim 72 has been amended so that it contains all the limitations of claim 49, with the additional limitations of a passive and active door. Claims 73 through 80 are dependent from claim 72. In light of this, Applicant respectfully requests the rejoinder of claims 71-80 upon the allowance of claim 49.

V. Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

If any fees are required in connection with the filing of this amendment, please charge the same to Deposit Account 50-0548.

Respectfully submitted,



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